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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROCK N' ROLL FOODS, LLC, a Nevada  
Limited Liability Company; RICHARD  
“ROCKY” PARKS, an individual,

CASE NO.: 2:15-CV-00988-JAD-CWH

**Plaintiffs,**

**MOTION AND PROPOSED ORDER TO  
WITHDRAW AS COUNSEL OF RECORD**

V.

STEPHEN FRAZER, an individual; PIOTR TOMISK, an individual; EMERGING TECHNOLOGY CORPORATION, a Nevada corporation, DOES I through X, inclusive; ROE CORPORATIONS I through X, inclusive,

#### Defendants.

ELAINE A. DOWLING, ESQ., respectfully moves this court for an order permitting  
ELAINE A. DOWLING, ESQ. (“Ms. Dowling”) who has appeared in these proceedings, to  
withdraw as counsel for Plaintiffs, ROCK N’ ROLL FOODS, LLC, and RICHARD “ROCKY”  
PARKS in the above-captioned matter, pursuant to Local Rule IA 10-6, S.C.R 46, and N.R.C.P.  
1.16(b)(1) and (7).

This Motion is made and based upon the Memorandum of Points and Authorities submitted herein, the Declaration of Elaine A. Dowling, Esq., attached hereto, the pleadings and papers on file herein, and any argument at the hearing of this Motion to Withdraw as Counsel of Record.

Dated this 15<sup>th</sup> day of September, 2017.

**EAD LAW GROUP, LLC**

ELAINE A. DOWLING, ESQ.  
Nevada Bar No. 8051  
6671 S. Las Vegas Blvd., Suite 210  
Las Vegas, NV 89119  
*Attorney for Plaintiffs*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

Ms. Dowling is no longer employed as an attorney with Harold P. Gwerter, Esq. Furthermore, Ms. Dowling was not retained to represent Rock N' Roll Foods, LLC, and Richard "Rocky" Parks as outside counsel, in the above-captioned matter, or any other pending case or matter before this Court on behalf of Rock N' Roll Foods, LLC and Richard "Rocky" Parks. The Local Rule IA 10-6(a) provides that "No attorney may withdraw after appearing in a case except by leave of court after notice served on the affected client and opposing counsel." Rock N' Roll received notice of Ms. Dowling's intent to withdraw from this case, upon Ms. Dowling's final week of employment with Gwerter in 2016. On June 26, 2017, Ryan Anderson, Esq., was substituted in as counsel of record in place of Harold P. Gwerter, Esq. The opposing parties in this case will receive notice of this Motion to Withdraw, pursuant to the Certificate of Service herein.

Additionally, Local Rule IA 10-6(e) provides that “no withdrawal...shall be approved if delay of discovery, the trial, or any hearing in the case would result.” Here, no delay of any kind will result from Ms. Dowling’s withdrawal because Plaintiffs Rock N’ Roll Foods, LLC, and Richard “Rocky” Parks remain and are represented in this matter counsel, having previously appeared before this Court. Ms. Dowling’s withdrawal will not prejudice either party or delay any proceeding in this matter.

## CONCLUSION

For the reasons set forth above, Ms. Dowling respectfully moves this Court to enter an Order Approving the withdrawal of Ms. Dowling as a representing attorney for Rock N' Roll Foods, LLC, and Richard "Rocky" Parks in the instant matter.

Dated this 15<sup>th</sup> day of September, 2017.

EAP LAW GROUP, LLC

*Elaine Dowling*  
ELAINE A. DOWLING, ESQ.  
Nevada Bar No. 8051  
6671 S. Las Vegas Blvd., Suite 210  
Las Vegas, NV 89119  
*Attorney for Plaintiffs*

## **IT IS SO ORDERED**

Dated: 9/18/2017

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**UNITED STATES MAGISTRATE JUDGE**

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